

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:17-CR-100
)
SCOTT ALAN EDMISTEN)

MEMORANDUM AND ORDER

The defendant is charged with five firearms offenses. He has filed a motion to suppress “all evidence obtained by law enforcement following his arrest on or about October 2, 2017.” [Doc. 30]. The United States has responded in opposition to the motion. [Doc. 33].

United States Magistrate Judge Clifton Corker conducted an evidentiary hearing on August 9, 2018. Now before the court is the magistrate judge’s August 21, 2018 report and recommendation (“R&R”), recommending that the defendant’s motion be denied in its entirety. [Doc. 45].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge’s report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous,

conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

Objections to the R&R were due on September 18, 2018. [Doc. 48]. The United States has not responded, and the defendant has filed a notice of no objection. [Doc. 51].

The undersigned has nonetheless thoroughly considered the R&R, the defendant's motion, the parties' briefing, and the pertinent case law. The court has also read the transcript of the August 9 evidentiary hearing.

Finding itself in complete agreement with the magistrate judge, the court **ADOPTS** the findings of fact and conclusions of law set out in the report and recommendation [doc. 45]. It is **ORDERED** that the defendant's motion to suppress [doc. 30] is **DENIED**.

This case remains set for trial on November 27, 2018, with a plea deadline of November 13, 2018.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge